

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**GENOVA BURNS LLC**

Daniel M. Stolz, Esq.  
Gregory S. Kinoian, Esq.  
110 Allen Road, Suite 304  
Basking Ridge, NJ 07920  
Phone: (973) 467-2700  
Fax: (973) 467-8126  
DStolz@genovaburns.com  
GKinoian@genovaburns.com

**GLENN AGRE BERGMAN & FUENTES LLP**

Andrew K. Glenn, Esq. (admitted pro hac vice)  
Kurt A. Mayr, Esq. (admitted pro hac vice)  
Shai Schmidt, Esq. (admitted pro hac vice)  
Agustina G. Berro, Esq. (admitted pro hac vice)  
Naznen Rahman, Esq. (admitted pro hac vice)  
1185 Avenue of the Americas, 22nd Floor  
New York, New York 10036  
Telephone: (212) 970-1600  
aglenn@glennagre.com  
kmayr@glennagre.com  
sschmidt@glennagre.com  
aberro@glennagre.com  
nrahman@glennagre.com

*Counsel to the Ad Hoc Bondholder Group*

In re:

**BED BATH & BEYOND INC., et al.,**

Debtors.<sup>1</sup>

Chapter: 11

Case No.: 23-13359 (VFP)

(Jointly administered)

Judge: Hon. Vincent F. Papalia  
U.S. Bankruptcy Judge

**AD HOC BONDHOLDER GROUP'S EXHIBIT LIST FOR HEARING ON MOTION,  
PURSUANT TO 11 U.S.C. § 105(a), FED. R. CIV. P. 60(b), AND FED. R. BANKR.  
P. 4001(c) AND 9024, FOR (A) AN ORDER VACATING THE INTERIM AND  
FINAL ORDERS, AMONG OTHER THINGS, AUTHORIZING THE DEBTORS  
TO OBTAIN POSTPETITION FINANCING, AND (B) OTHER RELATED RELIEF**

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

The Ad Hoc Bondholder Group,<sup>2</sup> by and through its counsel, hereby files its Exhibit List for the hearing commencing on Wednesday, June 28, 2023 at 10:00 a.m. (Eastern Time) (the “Hearing”) on the Ad Hoc Bondholder Group’s motion [Dkt. No. 982] (the “Motion for Reconsideration”), pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(b), and Fed. R. Bankr. P. 4001(c) and 9024, for (A) entry of an order reconsidering and vacating (1) the Interim DIP Order (as defined in the Motion for Reconsideration) [Dkt. No. 76] and (2) the Final DIP Order (as defined in the Motion for Reconsideration) [Dkt. No. 729], and (B) other related relief.

### **EXHIBIT LIST**

A list of exhibits on which the Ad Hoc Bondholder Group may rely at the Hearing is set forth on **Exhibit A** hereto (the “Exhibit List”). The Ad Hoc Bondholder Group reserves the right to supplement or amend this Exhibit List and to identify or introduce additional exhibits at trial including, but not limited to, reserving the right to introduce (i) any exhibit listed on the exhibit list of any other party, regardless of whether the exhibit is withdrawn by such party; (ii) any document that has not yet been produced in discovery prior to this filing; or (iii) any document or evidence used for impeachment, rebuttal, and/or refreshing recollection, or to address any matters necessary to establish facts that the Ad Hoc Bondholder Group is requesting be admitted as stipulated facts.

The Ad Hoc Bondholder Group further reserves the right to supplement or amend this Exhibit List, including (but not limited to) to add and/or remove documents or other evidence prior to the conclusion of the Hearing (i) in response to pre-hearing filings, requests for judicial notice,

---

<sup>2</sup> The Ad Hoc Bondholder Group consists of an ad hoc group of certain holders of the 3.479% Senior Notes due 2024 (the “2024 3.749% Notes”), the 4.915% Senior Notes due 2034 (the “2034 4.915% Notes”) and the 5.165% Senior Notes due 2044 (the “2044 5.165% Notes” and, together with the 2024 3.749% Notes and the 2034 4.915% Notes, the “Senior Unsecured Notes”), each issued by Bed Bath & Beyond, Inc. on July 17, 2014 (collectively, the “Ad Hoc Bondholder Group”).

and/or exhibit lists, as well as the evidence and arguments presented by other parties at the Hearing; (ii) in connection with the outcome of any motions in limine, evidentiary objections, and filings by the parties on those issues; (iii) as a consequence of the unexpected unavailability of a witness, or a witness unexpectedly testifying; and/or (iv) by agreement with other parties.

By including a document on this Exhibit List, the Ad Hoc Bondholder Group does not thereby agree or admit that a document or category of documents is admissible for any or all purposes. The Ad Hoc Bondholder Group reserves the right to object if another party seeks to introduce into evidence exhibits that the Debtors or any other party being to be heard have identified.

Dated: June 28, 2023

**GENOVA BURNS LLC**

By: /s/ Gregory S. Kinoian  
Daniel M. Stolz, Esq.  
Gregory S. Kinoian, Esq.  
110 Allen Rd., Suite 304  
Basking Ridge, NJ 07920  
Tel: (973) 230-2095  
Fax: (973) 533-1112  
Email: DStolz@genovaburns.com  
GKinoian@genovaburns.com

- and -

**GLENN AGRE BERGMAN & FUENTES LLP**

Andrew K. Glenn, Esq. (admitted *pro hac vice*)  
Kurt A. Mayr, Esq. (admitted *pro hac vice*)  
Shai Schmidt, Esq. (admitted *pro hac vice*)  
Agustina Berro, Esq. (admitted *pro hac vice*)  
Naznen Rahman, Esq. (admitted *pro hac vice*)  
1185 Avenue of the Americas, 22nd Floor  
New York, New York 10036  
Telephone: (212) 970-1600  
Email: aglenn@glennagre.com  
kmayr@glennagre.com  
sschmidt@glennagre.com  
aberro@glennagre.com  
nrahman@glennagre.com

*Counsel to the Ad Hoc Bondholder Group*

**EXHIBIT A**

**EXHIBIT LIST OF AD HOC BONDHOLDER GROUP  
FOR HEARING ON JUNE 28, 2023 AT 10:00 A.M.**

**EXHIBIT LIST OF AD HOC BONDHOLDER GROUP  
FOR HEARING ON JUNE 28, 2023 AT 10:00 A.M.**

<b>Exhibit ID</b>	<b>Date</b>	<b>Description</b>	<b>Confidentiality Designation</b>
<b>1</b>	4/23/2023	Declaration of Holly Etlin in Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Dkt. No. 37]	Public
<b>2</b>	4/23/2023	Initial Budget – Preliminary Wind Down Forecast (Annex B to DIP Credit Agreement [Dkt. No. 41 (PDF pg. 150)])	Public
<b>3</b>	4/23/2023	Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Dkt. No. 10]	Public
<b>4</b>	6/13/2023	Approved Budget – Preliminary Wind Down Forecast – DIP Budget (Exhibit B to Proposed Final DIP Order) [Dkt. No. 716 (PDF pg. 260)]	Public
<b>5</b>	4/29/2023	Summary Collections and Disbursements for the Week Ending April 29, 2023	Protected Document – Subject to Confidentiality Agreement
<b>6</b>	4/24/2023	Transcript of Hearing on First Day Matters held on April 24, 2023	Public
<b>7</b>	5/6/2023	Summary of Collections and Disbursements for the Week Ending May 6, 2023	Protected Document – Subject to Confidentiality Agreement
<b>8</b>	4/22/2023	Summary of Collections and Disbursements for the Week Ending April 22, 2023	Protected Document – Subject to Confidentiality Agreement
<b>9</b>	1/17/2016	Declaration of Holly Felder Etlin Pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York in Support First Day Motions and Applications, <i>In re Primorsk Int'l Shipping Ltd.</i> , No. 16-10073 (Bankr. S.D.N.Y. Jan. 17, 2016), Dkt. No. 2	Public

<b>Exhibit ID</b>	<b>Date</b>	<b>Description</b>	<b>Confidentiality Designation</b>
<b>10</b>	8/2/2020	Declaration of Holly Etlin, Chief Restructuring Officer of Tailored Brands, Inc., In Support of Chapter 11 Petitions and First Day Motions, <i>In re Tailored Brands, Inc.</i> , No. 20-33900 (Bankr. S.D. Tex. Aug. 2, 2020), Dkt. No. 20	Public
<b>11</b>	4/25/2023	4/25/2023 email from Kurt Mayr to Debtors' counsel re: initial information requests	
<b>12</b>	6/12/2023	Reservation of Rights of the Unsecured Noteholders Group [Dkt. No. 704]	Public
<b>13</b>	5/26/2023	Confidentiality Agreement, dated as of May 26, 2023, entered into between Glenn Agre Bergman & Fuentes LLP, lead counsel to the Ad Hoc Bondholder Group, and the Debtors	Protected Document – Subject to Confidentiality Agreement
<b>14</b>	5/23/2023 to 5/30/2023	Email String between counsel to the Ad Hoc Bondholder Group and the Debtors	